



SUBDIVISION VACATION APPLICATION

Teton County, Idaho

The Planning Staff will review this application for completion, and then schedule a public hearing by the Board of County Commissioners. The Board shall make a decision to approve or deny the application.

To expedite the review of your application, please be sure to address each of the following items.

TO BE CONSIDERED A COMPLETE APPLICATION EACH ITEM HAS TO BE ADDRESSED
Disclaimer: Receipt of this submission of application materials does not represent acceptance or approval of submitted items or a complete application.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Jerry Parker
Applicant: Teton County E-mail: arutherford@co.teton.id.us
Phone: (208) 354-2593 Mailing Address: 150 Courthouse Dr. Rm 107
City: Driggs State: ID Zip Code: 83422

Name of Subdivision: Scenic River Estates
Address: Bates + 6000w Section: 25 Township: 5 Range: 44
Legal Description: SW 1/4 Section 25
Total Acres: 160 Total Lots: 2451 Zoning: A-2.5

- | | |
|---|---|
| <input type="checkbox"/> Fee | <input type="checkbox"/> Latest recorded deed to the property |
| <input type="checkbox"/> Survey and plat to be recorded | <input type="checkbox"/> Letter of Authorization |
| <input type="checkbox"/> List of all property owners affected | <input type="checkbox"/> Taxes Current |

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

• Applicant Signature: [Signature] Date: 05/09/2011

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

• Owner Signature: _____ Date: _____

Fees are non-refundable.

SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

1. A survey map showing the area requested to be vacated showing:
2. Perimeter, dimensions and topography of the property.
3. The names and locations of all streets bordering the property.
4. The location of all easements or rights-of-way.
5. The location and dimensions of present and proposed structures.
6. Existing wells
7. That the subdivision vacation will not leave real property adjoining the highway or public right of way without access to the public highway or right of way.
8. Relocation plan of utilities

SECTION III: ANALYSIS REASONING AND FACT FINDING IN CONSIDERATION AND ACCORDANCE WITH THE ABOVE LISTED CRITERIA

1. Each exception to otherwise applicable restrictions shall be identified and the reasons provided
2. The subdivision or PUD is consistent with the public health, safety and welfare of the county.
3. The PUD contains the minimum of open space required by this title or amount of open space agreed to in the plans and plat.

SECTION IV: STAFF SUMMARY

Required Notification in accordance with Title 50, Chapter 13, Section 1306A of the Idaho Code

This hearing has been duly noticed in the Teton Valley News and notification shall be notified via mail to surrounding property owners in accordance with Idaho Code 50-1306A. Letters for surrounding property owners must be submitted no later than 30 days prior to the hearing to the Planning & Zoning Office addressed with proper postage for mailing by the Office Staff.



STAFF REPORT

VACATION APPLICATION:

Scenic River Estates PUD

Prepared April 17 for the May 17, 2012

Board of County Commissioners Public Hearing

OWNER: Leo Parker

APPLICANT: Teton County, ID

REQUESTS:

Teton County, ID is applying to vacate the entitlements for the Scenic River Estates PUD recorded on April 9, 2009. To date, improvements have not been started, putting the developer in breach of contract. Because of the lack of performance, the County is applying to vacate the entitlements to this subdivision.

APPLICABLE CODES:

Teton County Subdivision Ordinance Section 9-3-2 (D-2-n-i) Revocation by Board of County Commissioners. *The Board of County Commissioners may revoke a subdivision or Planned Unit Development upon failure to comply with the conditions of approval of a final plat or subdivision extension, upon the violation of any of the provisions of this Title, or for misrepresentations or material omissions made to the Planning Commission or to the Board of County Commissioners. (amd. 9-17-09)*

Teton County Subdivision Ordinance Section 9-7-1 Application Procedure and 9-7-2 Vacation of Plats Procedure.

LEGAL DESCRIPTION:

SW 1/4 , Section 25, T5N, R44E

LOCATION: Bates Road and 6000W, West of Driggs

PROPERTY SIZE: 160 acres, 51 lots

ZONING: Underlying zoning is A-2.5.

OVERLAYS: None

PLANNING STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners vacate the subdivision entitlements of the Scenic River Estates based on the fact that the developer is in breach of contract, has been given due process to remedy the problem, and the idea that the elimination of 51 lots is a public benefit.

federal constitution and statutory law. Implementation is implicit in and mandated by state and federal law.

Staff response: The glut of platted, vacant subdivision lots in Teton County is a detriment to property values. Reducing the number of lots County-wide will work towards relieving this glut. The applicant maintains his right to apply for a new subdivision at any time in the future.

Chapter 7 School Facilities and Transportation:

Policy 1: *Planning decisions and efforts must emphasize providing infrastructure and services to the growing population and provide means for growth to pay its way. Growth trends over the past decade and growth projections for the coming decade indicate that providing infrastructure and services will be a bigger challenge than attracting new residents and business.*

Staff response: The scattered growth pattern in Teton County will make it increasingly difficult and expensive to provide services as build-out occurs. Eliminating these lots will decrease the impacts of the potential development on the ability of the County to provide services.

Chapter 8 Economic Development

Policy 3: *One of the county's prime economic values is the attraction of a rural, small town lifestyle, magnificent views, clean air and water, and abundances of outdoor recreational opportunities. Development and land use proposals that support and balance these values with desirable growth should be encouraged.*

Staff response: As more lots become developed in the rural areas of the County, the small-town feel of the area becomes more compromised. Keeping these 160 acres in agricultural production seems like a better economic use of the land than creating lots that have a low likelihood of sale in the near future.

Chapter 9 Land Use

Policy 1: *Protect open space throughout the County. Enhance the mechanisms available to incorporate the same in developments.*

Staff response: Scenic River Estates is currently in agricultural production. Returning the development to acreage would keep the property in agriculture (i.e. not change its current status) and continue to contribute to our agricultural heritage and rural character with open space.

Policy 4: *Higher density developments should be located within or near the cities or within or near their areas of impact. Developments in the unincorporated county may be based on the density based zoning concept which will provide significant open space.*

Staff response: This project consists of 51, one-acre lots, six miles from Driggs. This is high density so far from city services is costly for the County to provide services such as road maintenance and sheriff services.

Chapter 10 Natural Resources:

Policy 6: *Ensure that noxious weeds are consistently and effectively controlled in compliance with state regulations and guidelines.*

Staff response: If taken out of agricultural production, weeds in this development may become a problem.

Chapter 17 Community Design

Policy 1: *Encourage the preservation of the scenic vistas, open space, mountains, forests, night skies and wetlands.*

Policy 2: *Encourage the preservation of the county's rural character.*

Staff response: Returning this subdivision to acreage will preserve open space and contribute to the rural character of the County.

Action A: A motion that references the required findings in the code that this vacation application is appropriate. Here is a suggested motion that could be used to approve the vacation.

I move to APPROVE the Scenic River Estates PUD vacation application as described and depicted in the application materials contained in the review packet. We have determined that the procedural requirements for the vacation have been satisfactorily met and that the findings of fact support this vacation application.

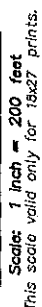
Report prepared by Planner Angie Rutherford

Attachments:

Application Materials
Email from Maureen Green, Treasurer's Office
Blue Indian Development Agreement, Page 1
Fiscal Impact Calculator output

Photo: Record Dimensions are from Instrument #17778

FINAL PLAT
SCENIC RIVER ESTATES
PLANNED UNIT DEVELOPMENT
BEING LOCATED WITHIN THE
SW 1/4, SECTION 25
T5N, R44E, E1M
TETON COUNTY, IDAHO
Sheet 2 of 2

Map Prepared: January 19, 2009
Project No.: 06507

JORGENSEN ASSOCIATES, PC BOX 584 DRIGGS, IDAHO 83422 (208)354-8330

641P. 2016-05-10 10:00:00

COMMISSIONERS' CERTIFICATE
PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE
FOLLOWING DATE AT WHICH TIME THIS P.L.D. WAS APPROVED AND
ACCEPTED.

CHAIRMAN, COUNTY COMMISSIONERS
4-8-09 DATE

NOTE: TETON COUNTY WILL NOT BE HELD RESPONSIBLE FOR THE
CONSTRUCTION OR MAINTENANCE OF ANY STREET, ALLEY, OR ROAD WITHIN
THIS P.L.D.

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT
OF LAND AS SHOWN ON THIS PLAT.

COUNTY TREASURER
4-8-09 DATE

PLANNING AND ZONING APPROVAL

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION ON
THE FOLLOWING DATE AT WHICH TIME THIS P.L.D. WAS APPROVED AND
ACCEPTED.

CHAIRMAN, PLANNING AND ZONING
4-8-09 DATE

ASSESSOR'S CERTIFICATE

PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE
FOR APPROVAL AND ACCEPTANCE.

COUNTY ASSESSOR
4-8-09 DATE

CERTIFICATE OF REVIEW

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE
CORRECT AND ACCEPTABLE AS REQUIRED IN SECTION 50-1325 OF THE
IDAHOCODE.

NAME
4-8-09 DATE

TETON COUNTY FIRE MARSHALL

I HEREBY CERTIFY THAT THE PROVISIONS FOR FIRE PROTECTION FOR THIS
P.L.D. MEET THE TETON COUNTY FIRE CODE AND HAVE BEEN APPROVED BY
MY DEPARTMENT.

TETON COUNTY FIRE MARSHALL
4-8-09 DATE

HEALTH DEPARTMENT CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER
13 HAVE BEEN SATISFIED SUBJECT TO THE INFORMATION CONTAINED IN THE
ATTACHED SANITARY REGULATIONS AND RECOMMENDATIONS. SANITARY
RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326,
IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

DISTRICT HEALTH DEPARTMENT, EMS
8 April 09 DATE

SURVEYOR'S CERTIFICATE

I, TYLER G. TRUJILLO, BEING A PROFESSIONAL LAND SURVEYOR IN THE
STATE OF IDAHO, NUMBER 13159, DO HEREBY CERTIFY THAT THIS PLAT AND
THE SURVEY REFERRED TO HEREON WERE PERFORMED UNDER MY
RESPONSIBLE CHARGE IN ACCORDANCE WITH IDAHO STATE CODE, TITLE 55,
CHAPTER 19.

TYLER G. TRUJILLO, PL#13159
4-8-09 DATE



OWNER'S DEDICATION

BE IT KNOWN THAT SCENIC RIVER ESTATES INC. DOES HEREBY CERTIFY THAT THEY ARE THE LEGAL
OWNER OF THE SW 1/4 OF SECTION 25, T5N, R44E, B.M. TETON COUNTY IDAHO, SAID PARCEL IS
FURTHER DESCRIBED AS:

BEING LOCATED WITHIN THE
SW 1/4, SECTION 25
T5N, R44E, B.M.
TETON COUNTY, IDAHO
THENCE S89°42'59"E, 2633.73 FEET ALONG THE SOUTH BOUNDARY OF SECTION 25, TO THE S 1/4
CORNER OF SECTION 25, MONUMENTED WITH A REBAR AND ALUMINUM CAP MARKED "PE-LS 28607";
THENCE S2°15'00"E, 2633.73 FEET ALONG THE EAST BOUNDARY OF SAID SW 1/4, TO SECTION 25, TO
THE S 1/4 CORNER OF SECTION 25, MONUMENTED WITH A REBAR AND ALUMINUM CAP MARKED
"PE-LS 28607";
THENCE N89°43'20"W, 2636.01 FEET ALONG THE NORTH BOUNDARY OF THE SW 1/4 OF SECTION 25,
TO THE W 1/4 CORNER OF SECTION 25, MONUMENTED WITH A REBAR AND NO CAP;
THENCE S00°01'45"E, 2638.51 FEET ALONG THE WEST BOUNDARY OF SECTION 25, TO THE SW CORNER
OF SECTION 25, HEREBYFORE DESCRIBED, AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 159.79 ACRES, MORE OR LESS;

SUBJECT TO A 30' ROAD AND UTILITY EASEMENT, BEING THE SOUTHERLY AND WESTERLY 30' OF SAID
PARCEL, TO BE DEDICATED TO THE COUNTY AS A RIGHT-OF-WAY FOR THIS PLAT, FOR ACCESS,
DRAINAGE AND UTILITIES;

AND HAVE CAUSED THE SAME TO BE PLATTED AS SCENIC RIVER ESTATES P.L.D. AS REQUIRED BY THE
TETON COUNTY, IDAHO SUBDIVISION ORDINANCE;

SAID PROPERTY IS CURRENTLY ZONED A-2-3;

SAID P.L.D. IS SUBJECT TO A DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
RESERVATIONS TO BE FILED IN THE OFFICE OF THE CLERK OF TETON COUNTY, IDAHO CONCURRENTLY
WITH THIS PLAT. SAID DECLARATION PROVIDES FOR THE ADMINISTRATION OF OPEN SPACE LOTS;

THAT THE FOREGOING SUBDIVISION MAY BE SUBJECT TO ANY OTHER EASEMENTS, RIGHTS-OF-WAY,
COVENANTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS OR ENCUMBRANCES OF RIGHT AND/OR
RECORD;

OPEN SPACE LOTS WITHIN THIS P.L.D. SHALL BE DEDICATED TO THE SCENIC RIVER ESTATES
HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF RECREATION, DRAINAGE, AND FIRE SUPPRESSION
SYSTEMS;

NO LOTS WILL HAVE DRIVEWAY ACCESS TO A COUNTY ROAD. ALL ROADS WITHIN SAID P.L.D. WILL
HAVE A MINIMUM WIDTH OF 24 FEET. ALL ROADS WITHIN SAID P.L.D. ARE DEDICATED TO THE
TETON COUNTY, IDAHO, AND SHALL SERVE AS NON-EXCLUSIVE EASEMENTS FOR ACCESS,
DRAINAGE, FIRE PROTECTION, AND UNDERGROUND UTILITIES;

UTILITY PROVIDERS ARE HEREBY GRANTED NON-EXCLUSIVE UTILITY EASEMENTS IN THE PRIVATE ROADS
FOR THE UNDERGROUND INSTALLATION AND MAINTENANCE OF UTILITIES;

THAT THE UNDERSIGNED OWNERS, AND THEIR HEIRS, SUCCESSORS AND ASSIGNS, RESERVE THE RIGHT
TO GRANT UNTO THEMSELVES OR IN FAVOR OF THIRD PARTIES, A RIGHT OF EASEMENT OVER,
UNDER, ACROSS, AND THROUGH THE ROADS OR COMMON AREA OF THE FOREGOING P.L.D.;

AREAS ON LOTS OUTSIDE OF THE COUNTY REQUIRED MINIMUM SETBACKS SHALL BE NON-EXCLUSIVE
DRAINAGE EASEMENTS DEDICATED TO THE HOMEOWNERS ASSOCIATION;

AN ADDITIONAL 20' COUNTY ROAD AND UTILITY EASEMENT NORTH OF THE EXISTING SOUTHERLY 30'
COUNTY ROAD AND UTILITY EASEMENT AS DEPICTED ON THE THIS PLAT IS HEREBY CREATED FOR
ACCESS, DRAINAGE AND UTILITIES OF FUTURE ROAD IMPROVEMENTS;

EACH LOT SHALL BE SERVED BY ITS OWN INDIVIDUAL WELL;

THE WASTE WATER SYSTEM OF EACH LOT IN SAID P.L.D. WILL BE PROVIDED BY PRIVATE SEPTIC
SYSTEMS;

FIRE PROTECTION FOR SAID P.L.D. WILL BE PROVIDED BY A CENTRAL FIRE SYSTEM SUPPLIED BY A
FIRE POND;

SAID P.L.D. DOES NOT LIE IN A FLOOD ZONE. REFERENCE FEMA MAP NO. 10081C0100C DATED
AUGUST 4, 1988;

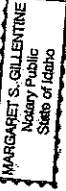
BE IT KNOWN THAT RESEARCH OF WATER RIGHTS ON THE PROPERTY AS HEREIN DESCRIBED HAS
DETERMINED THAT THIS PROPERTY HAS NO WATER RIGHTS.

SCENIC RIVER ESTATES INC.
JERRY PARKER

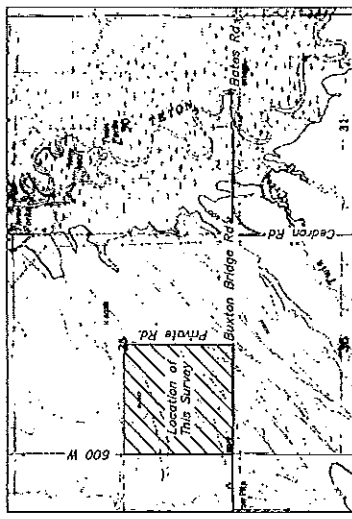
STATE OF IDAHO }
COUNTY OF TETON }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8 DAY OF 4 2009, WITNESS
MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC March 17, 2014
MY COMMISSION EXPIRES



VICINITY MAP



= ENGINEER & SURVEYOR =
JORGENSEN ASSOCIATES, P.C.
P.O. BOX 584
DRIGGS, ID 83422
(208) 354-8330

= OWNER =
SCENIC RIVER ESTATES, INC.
4535 EAST 300 NORTH
RIGBY, ID 83442
(208) 589-7242

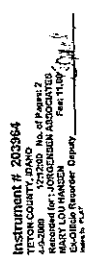
NOTES

1. This P.L.D. was created at the request of Scenic River Estates, Inc. to
develop the SW 1/4 of Section 25, T5N, R44E, B.M. Meridian, Teton County,
Idaho. Said parcel is described in Instrument #190532 and #190533, as
recorded in the miscellaneous records of the Teton County Idaho
Recorder's Office.

2. This P.L.D. was conducted in January of 2009 using a Leica 1200
Total Station.

3. Basis of bearing is N89°42'59"W between the SW Corner of Section 25
and the S 1/4 of Section 25, T5N, R44E, B.M. All distances are measured
horizontally at average ground elevation.

RECORDER'S CERTIFICATE



FINAL PLAT
SCENIC RIVER ESTATES
PLANNED UNIT DEVELOPMENT
BEING LOCATED WITHIN THE
SW 1/4, SECTION 25
T5N, R44E, B.M.
TETON COUNTY, IDAHO
Sheet 1 of 2

203961 APR 9 10:09 AM 12:12

SCENIC RIVER ESTATES
DEVELOPMENT AGREEMENT
FOR
PUBLIC AND OTHER REQUIRED IMPROVEMENTS

1. **Scenic River Estates Planned Unit Development**, Scenic River Estates, Inc., Rigby, Idaho, as the subdividers/owners are responsible to complete the subdivision in accordance with the approvals granted under the subdivision ordinance of the County. All required and public improvements shall be completed per the construction drawings, inspected and accepted/approved as appropriate by Teton County prior to issuing a building permit.

The subdivider/s shall not transfer construction and responsibility for completion of public improvements to the lot owners.

2. The construction of the required and public improvements shall begin as soon as the subdivision receives approval and shall be completed no later than two (2) years from the beginning date. An extension of one (1) year may be granted upon request and approval of the Board of County Commissioners.

3. The engineer's estimate of costs (attached) for all improvements at 125 percent is \$967,828.19.

4. Teton County will inspect for acceptance/approval the required and the public improvements not later than two (2) years after the improvements are completed or at the end of the extension period whichever comes first. Representatives from Teton County have the right to inspect for compliance at any time.

5. Per Title 9 Section 9-3-4-B as amended December 12, 2005, an **Irrevocable Letter of Credit** for public improvements will be provided as security to Teton County for the performance by the owner of its obligations to complete the improvements pursuant to this agreement prior to the beginning of construction.

6. If the owner defaults or fails to fully perform any of its obligations in accordance with this Agreement, or fails or refuses to correct any defect or deficiency in the improvements required by this Agreement, Teton County shall inform the owner in writing of the specific default or failing. If the default or failing continues for thirty days after such written notice and the owner makes no attempt to remedy the default, Teton County shall have in addition to all of its rights under the law, the right to complete the construction of the improvement or to correct the defect or deficiency, using either its own forces or contractors hired for that purpose. The county shall have the right to draw from the **Irrevocable Letter of Credit** those sums not to exceed 125 percent of the engineers estimate of construction cost as stated in paragraph three (3) of this document. Included in the costs of the work, the County is entitled to reasonable legal fees and reasonable administrative expenses. The county may enforce any other remedy provided by law.

7. No lots within **Scenic River Estates Planned Unit Development** will be offered for sale, sold or developed until the final plat has been approved and recorded.

Instrument # 203961

TETON COUNTY, IDAHO

4-9-2009 12:12:00 No. of Pages: 3

Recorded for : JORGENSEN ASSOCIATES

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to: DEVELOPMENT AGREEMENT

Copy

Scenic River Estates PUD Engineers Opinion of Probable Construction Cost

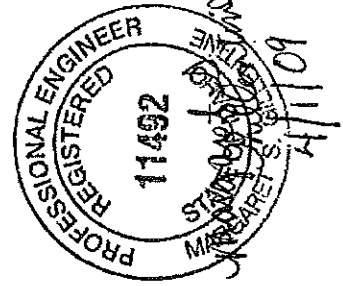
Date: April 1, 2009

Prepared by: Jorgensen Associates, P.C.

Bid Item		Unit	Unit Costs	Quantity	Costs	Notes
Subdivision Roadway and Drainage						
Improvements to 600 W		LF	\$ 30.00	951	\$ 28,530	
26' wide gravel Roadway		LF	\$ 38.00	188	\$ 7,144	
24' wide gravel Roadway		LF	\$ 30.00	8,108	\$ 243,240	
Culverts (18")		LF	\$ 22.00	717	\$ 15,774	
Culverts (27")		LF	\$ 30.00	63	\$ 1,890	
Drainage Swales		LF	\$ 7.15	1,352	\$ 9,667	
Sub-Total					\$ 306,245	
Central Fire System						
Central Fire System- Hydrants and Supply Line		LF	\$33.00	7,982	\$ 263,406	
Ponds		EA	\$19,000.00	1	\$ 19,000	
Pump System for Pressurized Fire System		EA	\$47,500.00	1	\$ 47,500	
Sub-Total					\$ 329,906	
Utilities						
Fall River Electric		LF	\$5.80	8,295	\$ 48,111	
Silver Star Communications		LF	\$4.00	8,295	\$ 33,180	
Trenching		LF	\$5.25	8,295	\$ 43,549	
Conduit		LF	\$1.60	8,295	\$ 13,272	
Sub-Total					\$ 138,112	
Total Costs					\$ 774,262.55	
125% Total Costs					\$ 967,828.19	

Notes:

1. These construction opinions are based upon Final Plat.
2. The road construction costs are based on the Teton County, Idaho Design Standards.
3. The material costs are based upon our experience with construction costs in Teton County, Idaho.



Wendy Danielson

From: Maureen Green
Sent: Wednesday, April 18, 2012 4:04 PM
To: Wendy Danielson
Subject: RE: Scenic River Estates Taxes

The 2011 taxes on these parcels are paid in full.

From: Wendy Danielson
Sent: Wednesday, April 18, 2012 12:02 PM
To: Maureen Green
Subject: Scenic River Estates Taxes

Hi again,

I need to bother you for another verification of tax status. This one is for Scenic River Estates Subdivision. It is comprised of 51 lots (I know this is a big number and a lot of work on your part to check each one – Sorry!). All lots are owned by Jerry Parker. The building lots are parcel numbers RP008750000010 – RP0087500000510, the open space lots are RP0087500000OP1 – OP4, and parcel RP0087500000RD is assigned to the road.

We are going to be applying to vacate this subdivision and need to make sure they are paid in full for 2011. If they are not, we will need to approach the vacation a bit differently than if they are.

Thanks in advance!

Wendy Danielson
Land Use Services Assistant
Teton County Idaho
150 Courthouse Dr. Room 107
Driggs, ID 83422
208-354-2593 x201



_____ Information from ESET NOD32 Antivirus, version of virus signature database 7067 (20120418)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

_____ Information from ESET NOD32 Antivirus, version of virus signature database 7067 (20120418)

The message was checked by ESET NOD32 Antivirus.

Instrument # 208527

TETON COUNTY, IDAHO

12-7-2009 02:31:00 No. of Pages: 16

Recorded for : HARMONY DESIGN

MARY LOU HANSEN

Fee: 48.00

Ex-Officio Recorder Deputy
Index to: DEVELOPMENT AGREEMENT

Connel

208527 DEC 7 '09 PM 2:31

**DEVELOPMENT AGREEMENT
FOR BLUE INDIAN SUBDIVISION**

THIS AGREEMENT is made and entered into this 2nd day of December, 2009, by and between **HH Development Inc.** and/or assigns (hereafter "Developer") and Teton County Idaho (hereafter "County").

WHEREAS, it is the intent and purpose of the Developer to meet the conditions of approval for the final plat allowing the creation of **BLUE INDIAN SUBDIVISION**, as approved by the Teton County Commission on 11-12 2009; and

WHEREAS, it is the intent and purpose of the Developer and the County to enter into this Agreement, which will guarantee the full and satisfactory completion of the improvements on the property described in this Agreement and it is the intent of this Agreement and the parties to satisfy the improvement guarantee requirements for the final plat recordation of the subdivision.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, it is agreed as follows:

Section 1. Subdivision Description. This agreement pertains to and includes that property, which is designated and identified as **BLUE INDIAN SUBDIVISION**, located within the jurisdiction of Teton County, Idaho.

Section 2. Planned Improvements. The Developer shall, at its own cost and expense, complete the road construction, install telephone service, electrical service, road signs, and fire protection. The estimated cost to complete these improvements is \$423,613 as shown on Exhibit A of this Agreement. The estimated cost to complete the Phase One improvements is \$143,293 as shown on Exhibit B of this Agreement. Developer shall restore County Road 6000 West to existing condition at the completion of Phase 1, and to County Standards no later than the completion of Phase 2 if not already completed by adjacent neighbor, Scenic River.

Section 3. Schedule for Completion of the Improvements. The Developer shall complete the Phase One improvements within two (2) years of the recording of the final plat. Each additional phase will be completed within one year after commencement of construction. The Developer shall be allowed extensions of time beyond the completion date for unavoidable delays caused by strikes, lockouts, acts of God or other factors beyond the control of the Developer.

Phase	Completion Date(no later than)
One	November 30, 2011
Two	November 30, 2012
Three	November 30, 2013
Four	November 30, 2014
Five	November 30, 2015

Teton County, Idaho

Project Profile

Project Name	Scenic River Estates
Number of Dwelling Units	51
Distance out County Roads	5+ Miles
Daily Vehicle Miles Traveled	2757
Value of One Lot with a Dwelling Unit	\$150,000

	Cost Per Dwelling Unit	Property Tax and Other Revenues Per Dwelling Unit
Annual Operations and Maintenance for All County Services	\$2,580	\$1,004
Capital Facilities County Total for All County Services	\$11,781	\$2,172

Cost-Benefit Per Dwelling Unit	
Annual Operations and Maintenance Cost-Benefit	-\$1,576
Capital Facilities Cost-Benefit	-\$9,609

**Cost-Benefit of
Scenic River Estates**

	Operations and Maintenance Annual Cost-Benefit	Capital Improvements One-Time Cost-Benefit
Road Fund	-\$33,534	-\$427,943
General Fund	-\$43,854	-\$51,048
Special Revenue Funds	-\$3,001	-\$11,076
Total Cost-Benefit	-\$80,389	-\$490,067

Generated Using the Fiscal Impact Planning System